

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
TiVo Inc. Petition for Clarification or Waiver)	
of 47 C.F.R. § 76.640(b)(4))	MB Docket No. 14-146
)	
Implementation of Section 304 of the)	
Telecommunications Act of 1996)	CS Docket No. 97-80
)	
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)	

REPLY COMMENTS OF THE DIGITAL LIVING NETWORK ALLIANCE

These Reply Comments respond to TiVo's Request for Waiver of the home networking requirements,¹ and Verizon's Comments in this proceeding.²

The Digital Living Network Alliance ("DLNA") is a technology standards organization driven to build industry consensus to advance the interoperability of products in consumers' connected homes. Founded in 2003 with a current membership of more than 200 companies, this unique multi-industry collaboration continues to implement an innovative set of guidelines utilized by service providers, electronics manufacturers, and software developers to provide consistent performance in a connected home environment. Consumers can share and enjoy personal content on DLNA Certified devices and subscription TV content on VidiPath Certified devices, including mobile devices, PCs, set top boxes, AV receivers, game consoles, TVs and more, regardless of manufacturer. DLNA has also created a robust certification program which tests and verifies the interoperability of products built to its standards, bringing confidence to consumers that devices

¹ See TiVo Inc. Petition for Clarification or Waiver of 47 C.F.R. § 76.640(b)(4), MB Docket No. 14-146, CS Docket No. 97-80 (filed Aug. 29, 2014), (*"Petition"*).

² See Comments of Verizon, MB Docket No. 14-146, CS Docket No. 97-80 (filed Oct. 6, 2014), (*"Verizon Comments"*).

branded with the DLNA Certified and VidiPath Certified marks will successfully connect and exchange content. DLNA's leading member companies include ACCESS, ARRIS, AwoX, Broadcom, CableLabs, Comcast, Dolby Laboratories, DTS, Intel, LG, Microsoft, Nokia, Panasonic, Samsung, Sony, Time Warner Cable and Verizon. Today, more than 25,000 product models have received DLNA Certification, and there have been more than 3,000,000,000 devices sold to date.

Together, through active collaboration, these companies have developed the DLNA Interoperability Guidelines which are continually refined to meet the ever changing landscape of consumer needs, industry standards, and technologies. The DLNA process and guidelines enable the Commission's goals for interoperable digital interfaces. For more than 11 years (since the founding of DLNA), DLNA has been working diligently to define interoperable specifications addressing digital interfaces, content formats, and other aspects of interoperability. In the complex area of home networking interfaces, industry consortia such as DLNA have a proven track record of offering agile and adaptive solutions to meet consumer, industry and technology needs.

As an organization, DLNA is primarily dedicated to developing, promoting and promulgating standards ("Guidelines" or "Interoperability Guidelines" in our parlance) to enable interoperation of video navigation devices over a home network. Much of the DLNA solution has been described and disclosed to the Commission previously.

DLNA has recently completed the development of a set of Guidelines described as "CVP-2." The certification program to test and certify that devices comply with the CVP-2 Guidelines is now in place and operational.³ As part of the certification process, we have introduced a consumer-friendly name for use in referring to CVP-2 certified devices, "VidiPath."

³ The DLNA Guidelines, including CVP-2, were developed with a wide cross section of industry cooperation, including active participation by MVPDs, consumer electronics manufacturers and others, using DLNA's procedures (which the Commission has previously found to satisfy the elements of an "open industry standard" under Section 76.640(b)(4)(iii) of the Commission's Rules).

The VidiPath system enables a much broader, much more robust competitive marketplace for delivery of entertainment content through home networking to consumer audiovisual equipment. In prior versions, the DLNA Guidelines described mechanisms for carrying entertainment content throughout the home; VidiPath also enables the delivery of entertainment content over IP networking technologies from service provider equipment (“in the cloud”) through an internet broadband connection and a home network, to certified VidiPath receivers (such as televisions and set-top boxes). By the time of the June 1, 2015 implementation deadline, the CVP-2 Guidelines will have been publicly available for approximately 15 months.⁴

The VidiPath system stands to broadly increase the availability of entertainment content available to consumer receivers (including devices sold at retail, as well as devices leased by MVPD operators), and enables various new aspects of competition in video programming – by delivering content directly from “the cloud” to consumers. For example, both HBO and CBS have recently announced new direct-to-consumer IP-delivered services,⁵ which could be enabled by VidiPath.⁶ Furthermore, use of open industry standard technology will enable portability of consumer-owned devices throughout the country, and particularly between different MVPD operators’ networks.

TiVo is identifying the CVP-2/VidiPath-related Guidelines in the Petition,⁷ and seeks a permanent waiver (for its products supplied to cable operators) or a nine-month delay, due to TiVo’s unique position in the marketplace – as a manufacturer of products both available to consumers at retail, and leased by MVPD operators – and the timing of the final availability of CVP-2, *or in the*

⁴ See Letter from Donna Moore, Executive Director, Digital Living Network Alliance to Marlene H. Dortch, Secretary, Federal Communications Commission, May 30, 2014 (transmitting the DLNA press release dated March 18, 2014, announcing the availability of the CVP-2 Guidelines).

⁵ HBO to Launch Stand-Alone Streaming Service, *The Wall Street Journal*, Oct. 15, 2014, available at <http://online.wsj.com/articles/hbo-to-launch-standalone-streaming-service-1413385733>; Cord-Cutters Rejoice: CBS Joins Web Stream, *The New York Times*, Oct. 16, 2014, available at <http://www.nytimes.com/2014/10/17/business/cbs-to-offer-web-subscription-service.html>.

⁶ Though it is too soon to know what technologies HBO and CBS intend to use to deploy these new services, these sorts of services are enabled by VidiPath.

⁷ *Petition* at 7.

alternative, clarification from the Commission that its similar, but proprietary, solution be explicitly declared as acceptable for compliance with § 76.640(b)(4)(iii).

Proprietary solutions, such as TiVo's, no matter how widely deployed are limited to implementers of the proprietary standard, which makes implementers beholden to the proprietor. This is exactly the opposite of the purpose and intent of the Rule – which is to free consumer electronics manufacturers from dependence on non-uniform and varying systems and protocols (often controlled by their competitors).

We do not believe that TiVo's proprietary solution conforms to the requirements or goals of § 76.640(b)(4)(iii), and the Commission should not classify it as meeting those requirements. Furthermore, neither a permanent waiver, nor a nine month waiver should be granted – the VidiPath Guidelines have been available for long enough to enable implementation, and the public should not be forced to wait an additional nine months.

Verizon's Comments point out that the CableCARD regime have not lived up to the original promise but that non-traditional audiovideo distribution is proliferating, and encourage the Commission to waive both CableCARD requirements *and* the home networking requirements in § 76.640 of the Commission's rules.⁸

The Commission has correctly recognized in the development of the home networking requirements that the public interest is served by promoting and requiring interoperability over the home network using open industry standards.

The benefits of widespread adherence to the VidiPath open industry standard are available now. There is no longer any reason to delay the effective date (or grant more waivers) of the rule. Rather than stepping away from implementation of §76.640(b)(4)(iii) as Verizon suggests, the

⁸ *Verizon Comments* at 4, 6-7.

Commission should hold firm to the Rule, and should hold firm to the implementation deadline announced in April.⁹

Respectfully submitted,

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⁹ *In the Matter of Implementation of Section 204 of the Telecommunications Act of 1996*, Memorandum Opinion and Order, DA 14-461, CS Docket No. 97-80 (rel. April 4, 2014) at ¶ 4.